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September 11, 2013

**VIA ELECTRONIC MAIL**

The Hon. Denise L. Cote  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
CoteNYSDChambers@nysd.uscourts.gov

Re: James et al. v. Penguin Group (USA) Inc., et al., No. 13-cv-02801 (DLC)

Your Honor:

I represent the Plaintiffs in the above-referenced matter. I write, pursuant to the Court's order of September 5, 2013, to inform the Court that Plaintiffs intend to file a Second Amended Complaint in lieu of opposing the pending motion to dismiss. The parties have agreed, subject to the Court's approval on the following schedule:

Plaintiffs to file their Second Amended Complaint	September 27, 2013
Defendants to file motion to dismiss	November 1, 2013
Plaintiffs' opposition to motion to dismiss	November 27, 2013
Defendants' reply in support of motion to dismiss	December 18, 2013

The parties further request that the Initial Pretrial Conference scheduled for September 13, 2013 be adjourned until October 11<sup>th</sup> or 18<sup>th</sup>.

Respectfully yours,

s/  
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Oren S. Giskan

cc: Jonathan Herman, Esq. (via email)